

DRAFT PERMIT

Permit No: 201001165-SB

Municipality: Town of Chester

Work Area: the Connecticut River off property located at 23 Parkers Point Road

Permittees: Stephen J. Flett Revocable Trust & Nancy Anderson Revocable Trust
23 Parkers Point Road
Chester, CT 06412

Pursuant to sections 22a-359 through 22a-363f of the Connecticut General Statutes ("CGS") and in accordance with CGS section 22a-98, and the Connecticut Water Quality Standards dated December 2002, a permit is hereby granted by the Commissioner of Environmental Protection ("Commissioner") to retain a gabion wall for shoreline protection and install a pier and boat lift for private recreational boating access as is more specifically described below in the SCOPE OF AUTHORIZATION, in the Connecticut River off property identified as the "work area" above.

*******NOTICE TO PERMITTEES AND CONTRACTORS*******

UPON INITIATION OF ANY WORK AUTHORIZED HEREIN, THE PERMITTEES ACCEPT AND AGREE TO COMPLY WITH ALL TERMS AND CONDITIONS OF THIS PERMIT. FAILURE TO CONFORM TO THE TERMS AND CONDITIONS OF THIS PERMIT MAY SUBJECT THE PERMITTEES AND ANY CONTRACTOR TO ENFORCEMENT ACTIONS, INCLUDING INJUNCTIONS AS PROVIDED BY LAW AND PENALTIES UP TO \$1,000.00 PER DAY PURSUANT TO THE ADMINISTRATIVE CIVIL PENALTY POLICY DESCRIBED IN SECTIONS 22a-6b-1 THROUGH 22a-6b-15 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.

SCOPE OF AUTHORIZATION

The Permittees are hereby authorized to conduct the following work as described in application no. 201001165-SB, including six (6) sheets of plans dated December 27, 2008 and revised May 12, 2010 submitted by the Permittees to the Commissioner and attached hereto:

1. Retain an existing 80.5' long by 12' high gabion wall, of which the toe of the wall along 60.5 linear feet is located waterward of the high tide line; and
2. Install, approximately 23 linear feet northwest of the gabion wall retained above, a 5' wide by 20' long fixed landing pier, of which 17.5' is waterward of the high tide line, with battered pilings on the northern side, a 2' wide by 3' long staircase to a 4' wide by 45' fixed pier with battered pilings on the northern side, and a 20,000 pound boat lift that is 12.5' wide by 12.5' long and supported by four pilings.

SPECIAL TERMS AND CONDITIONS

1. Not later than two weeks prior to the commencement of any work authorized herein, the Permittees shall submit to the Commissioner, on the form attached hereto as Appendix A, the name(s) and address(es) of any contractor(s) employed to conduct such work and the expected date for commencement and completion of such work.
2. Except as specifically authorized by this permit, no equipment or material including but not limited to, fill, construction materials, excavated material or debris, shall be deposited, placed or stored in any wetland or watercourse on or off-site, nor shall any wetland or watercourse be used as a staging area or accessway other than as provided herein.
3. The Permittees shall ensure that any barge utilized in the execution of the work authorized herein shall access the work site only during periods of high water. Any such barge must move to deeper waters during periods of low water, but shall not interfere with navigation in the cove or be berthed in an area of submerged aquatic vegetation or tidal wetland vegetation.
4. All waste material generated by the performance of the work authorized herein shall be disposed of by the Permittees at an upland site approved for the disposal of such waste material, as applicable.
5. On or before (a) 90 days after completion of the work authorized herein, or (b) upon expiration of the work completion date or any authorized one year extension thereof, whichever is earlier, the Permittees shall submit to the Commissioner "as-built" plans prepared and sealed by a licensed engineer, licensed surveyor or licensed architect, as applicable, of the work area showing all contours, bathymetries, tidal datums, and structures.

GENERAL TERMS AND CONDITIONS

1. All work authorized by this permit shall be completed within five years from date of issuance of this permit ("work completion date") in accordance with all conditions of this permit and any other applicable law.
 - a. The Permittees may request a one-year extension of the work completion date. Such request shall be in writing and shall be submitted to the Commissioner at least 30 days prior to said work completion date. Such request shall describe the work done to date, work which still needs to be completed and the reason for such extension. The Commissioner shall grant or deny such request at her sole discretion.
 - b. Any work authorized herein conducted after said work completion date or any authorized one-year extension thereof is a violation of this permit and may subject the Permittees to enforcement action, including penalties, as provided by law.
2. In conducting the work authorized herein, the Permittees shall not deviate from the attached plans, as may be modified by this permit. The Permittees shall not make de minimis changes from said plans without prior written approval of the Commissioner.

3. The Permittees shall maintain all structures or other work authorized herein in good condition. Any such maintenance shall be conducted in accordance with applicable law including, but not limited to, CGS sections 22a-28 through 22a-35 and CGS sections 22a-359 through 22a-363f.
4. Prior to the commencement of any work authorized hereunder, the Permittees shall cause a copy of this permit to be given to any contractor(s) employed to conduct such work. At the work area the Permittees shall, whenever work is being performed, make available for inspection a copy of this permit and the final plans for the work authorized herein.
5. The Permittees shall notify the Commissioner in writing of the commencement of any work and completion of all work authorized herein no later than three days prior to the commencement of such work and no later than seven days after the completion of such work.
6. In undertaking the work authorized hereunder, the Permittees shall not cause or allow pollution of wetlands or watercourses, including pollution resulting from sedimentation and erosion. For purposes of this permit, "pollution" means "pollution" as that term is defined by CGS section 22a-423.
7. Upon completion of any work authorized herein, the Permittees shall restore all areas impacted by construction, or used as a staging area or access way in connection with such work, to their condition prior to the commencement of such work.
8. Any document required to be submitted to the Commissioner under this permit or any contact required to be made with the Commissioner shall, unless otherwise specified in writing by the Commissioner, be directed to:

Permit Section
Office of Long Island Sound Programs
Department of Environmental Protection
79 Elm Street
Hartford, Connecticut 06106-5127
(860) 424-3034
Fax # (860) 424-4054

9. The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" as used in this permit means calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed on or before the next day which is not a Saturday, Sunday, or a Connecticut or federal holiday.
10. The work specified in the SCOPE OF AUTHORIZATION is authorized solely for the purpose

set out in this permit. No change in the purpose or use of the authorized work or facilities as set forth in this permit may occur without the prior written authorization of the Commissioner. The Permittees shall, prior to undertaking or allowing any change in use or purpose from that which is authorized by this permit, request authorization from the Commissioner for such change. Said request shall be in writing and shall describe the proposed change and the reason for the change.

11. This permit may be revoked, suspended, or modified in accordance with applicable law.
12. This permit is not transferable without prior written authorization of the Commissioner. A request to transfer a permit shall be submitted in writing and shall describe the proposed transfer and the reason for such transfer. The Permittees' obligations under this permit shall not be affected by the passage of title to the work area to any other person or municipality until such time as the Commissioner authorizes a transfer.
13. The Permittees shall allow any representative of the Commissioner to inspect the work authorized herein at reasonable times to ensure that it is being or has been accomplished in accordance with the terms and conditions of this permit.
14. In granting this permit, the Commissioner has relied on representations of the Permittees, including information and data provided in support of the Permittee's application. Neither the Permittees' representations nor the issuance of this permit shall constitute an assurance by the Commissioner as to the structural integrity, the engineering feasibility or the efficacy of such design.
15. In the event that the Permittees become aware that they did not or may not comply, or did not or may not comply on time, with any provision of this permit or of any document required hereunder, the Permittees shall immediately notify the Commissioner and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. In so notifying the Commissioner, the Permittees shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and the Permittees shall comply with any dates that may be approved in writing by the Commissioner. Notification by the Permittees shall not excuse noncompliance or delay and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically stated by the Commissioner in writing.
16. In evaluating the application for this permit the Commissioner has relied on information and data provided by the Permittees and on the Permittees' representations concerning site conditions, design specifications and the proposed work authorized herein, including but not limited to representations concerning the commercial, public or private nature of the work or structures authorized herein, the water-dependency of said work or structures, its availability for access by the general public, and the ownership of regulated structures or filled areas. If such information proves to be false, deceptive, incomplete or inaccurate, this permit may be modified, suspended or revoked, and any unauthorized activities may be subject to enforcement action.

17. The Permittees may not conduct work waterward of the high tide line or in tidal wetlands at this permit site other than the work authorized herein, unless otherwise authorized by the Commissioner pursuant to CGS section 22a-359 et. seq. and/or CGS section 22a-32 et. seq.
18. The issuance of this permit does not relieve the Permittees of their obligations to obtain any other approvals required by applicable federal, state and local law.
19. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the Permittees and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows: "I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense."
20. This permit is subject to and does not derogate any present or future property rights or powers of the State of Connecticut, and conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state or local laws or regulations pertinent to the property or activity affected hereby.

Issued on _____, 2010

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Betsey Wingfield, Bureau Chief
Bureau of Water Protection & Land Reuse

Permit No. 201001165-SB
Stephen J. Flett Revocable Trust & Nancy Anderson Revocable Trust, Permittees

sb

OFFICE OF LONG ISLAND SOUND PROGRAMS

APPENDIX A

TO: Permit Section
Department of Environmental Protection
Office of Long Island Sound Programs
79 Elm Street
Hartford, CT 06106-5127

PERMITTEE: Stephen J. Flett Revocable Trust & Nancy Anderson Revocable Trust
23 Parkers Point Road
Chester, CT 06412

Permit No: 201001165-SB

CONTRACTOR 1: _____

Address: _____

Telephone #: _____

CONTRACTOR 2: _____

Address: _____

Telephone #: _____

CONTRACTOR 3: _____

Address: _____

Telephone #: _____

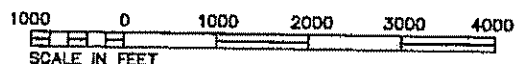
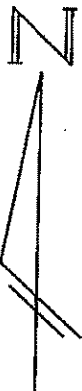
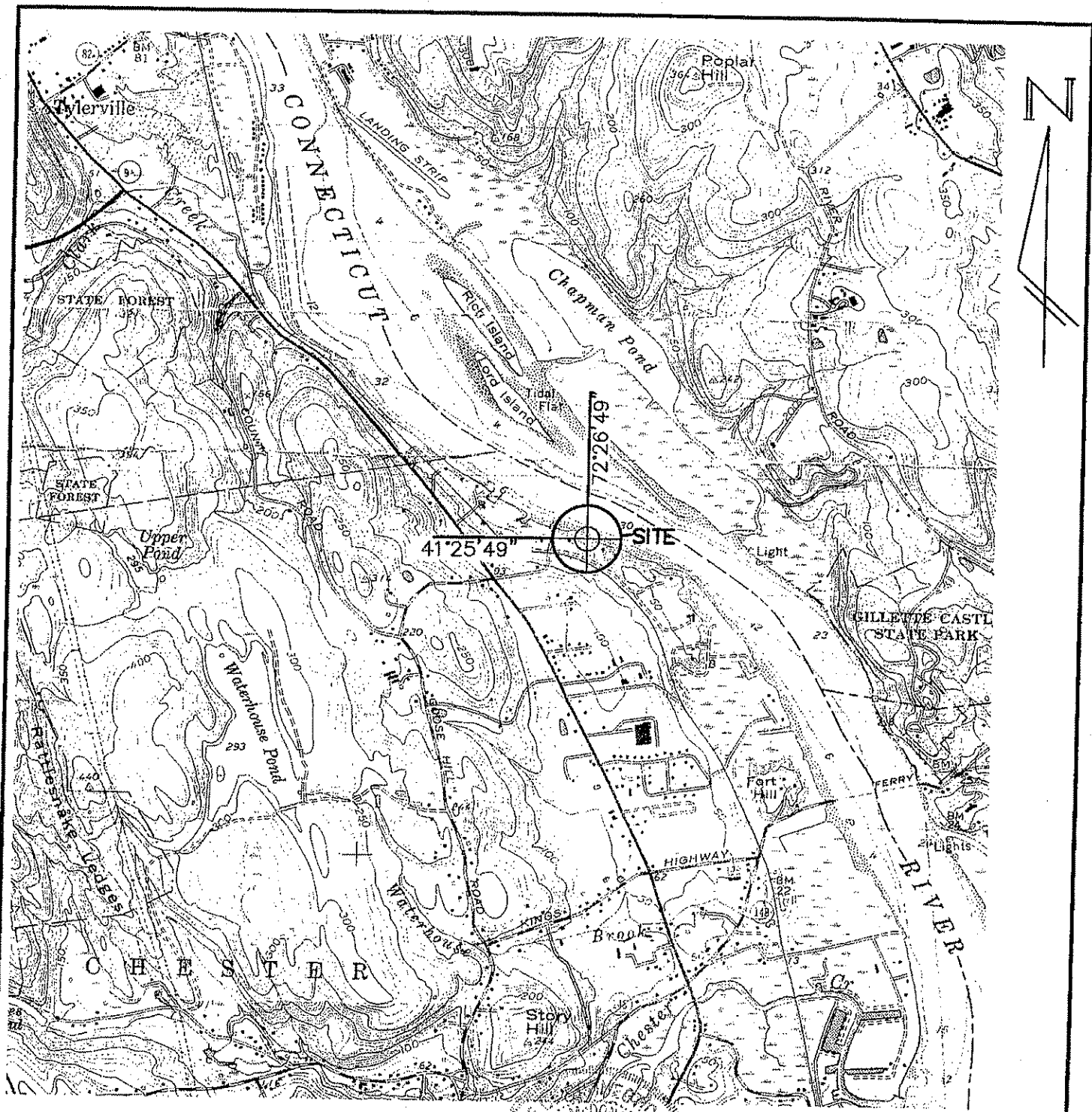
EXPECTED DATE OF COMMENCEMENT OF WORK: _____

EXPECTED DATE OF COMPLETION OF WORK: _____

PERMITTEE: _____

(signature)

(date)

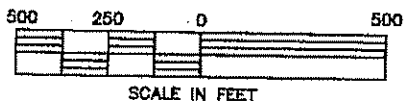
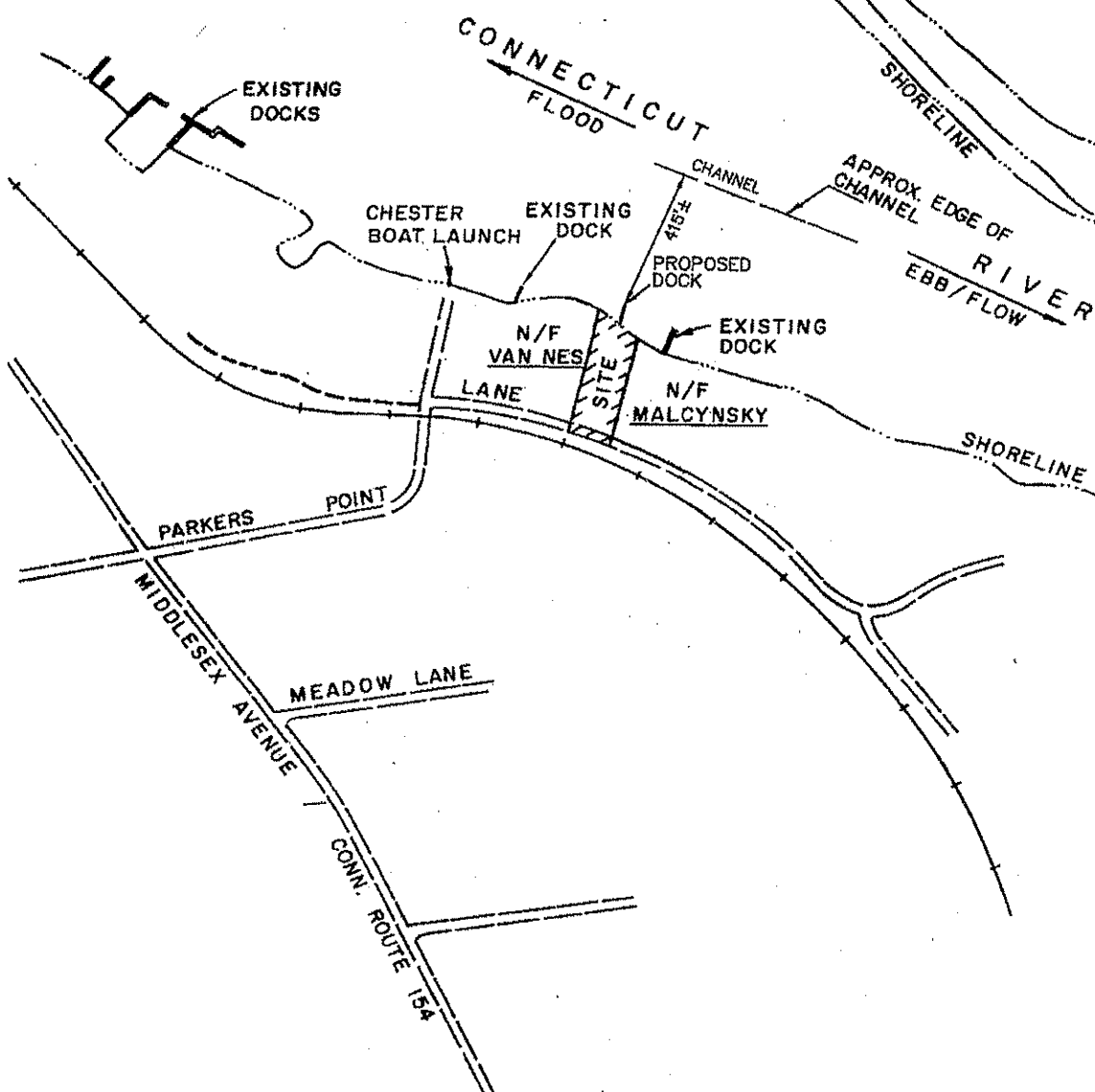


ANGUS McDONALD / GARY SHARPE
 & ASSOCIATES, INC.
 CIVIL ENGINEERS • PLANNERS • SURVEYORS
 OLD SAYBROOK, CONNECTICUT
 DR'N PJS CK'D APP'D
 SHEET 1 OF 6 JOB NO. 055091

ANGUS D. McDONALD JR.
 No. 70173
 LAND SURVEYOR
 CONN. REG. #70173
 TO MY KNOWLEDGE AND BELIEF
 THIS MAP IS SUBSTANTIALLY
 CORRECT AS NOTED HEREON.

VICINITY PLAN
 PREPARED FOR
STEPHEN FLETT
 23 PARKERS POINT LANE
 CHESTER, CONNECTICUT
 DATED: DEC. 27, 2008

N



ANGUS McDONALD / GARY SHARPE
& ASSOCIATES, INC.

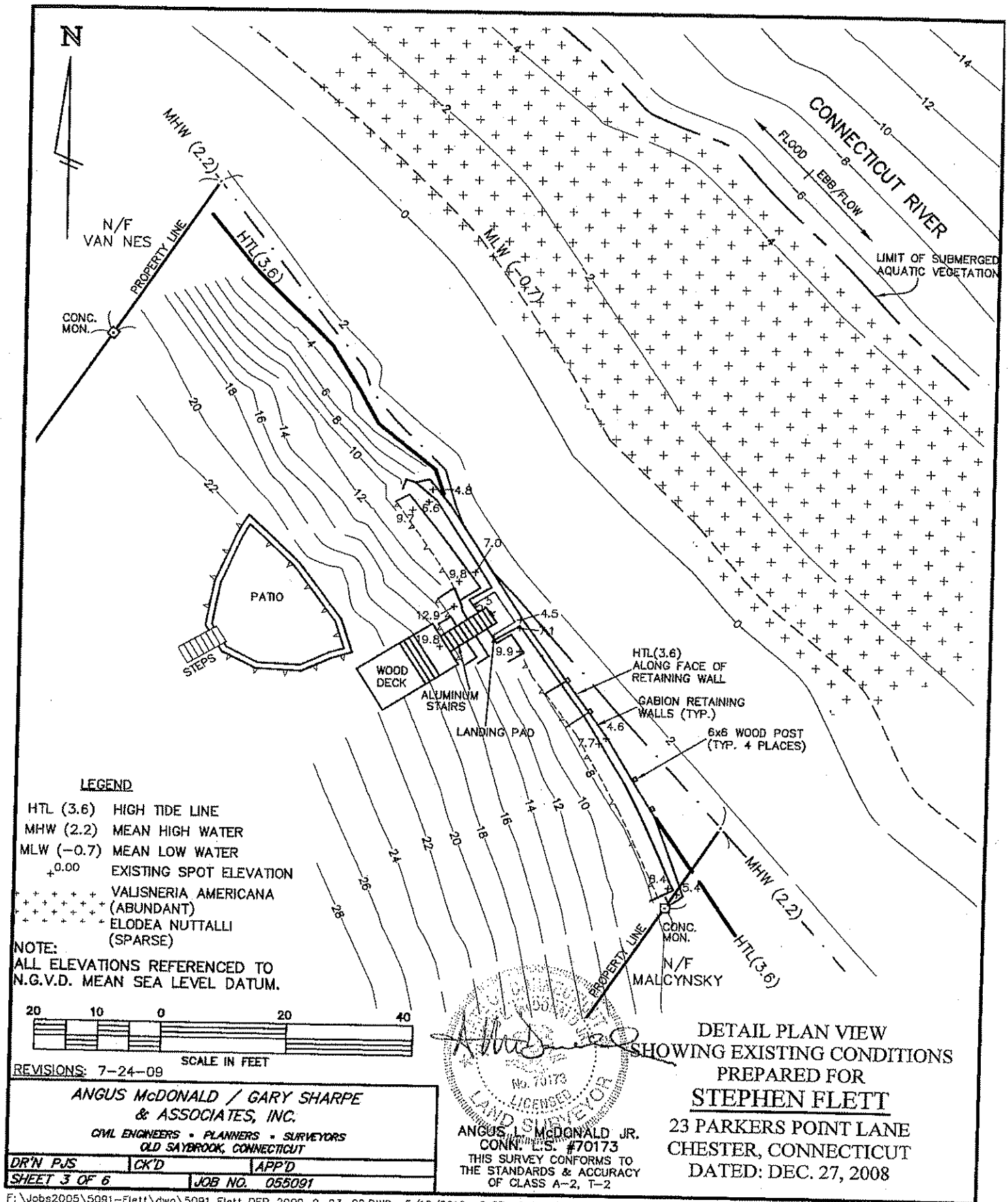
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OLD SAYBROOK, CONNECTICUT

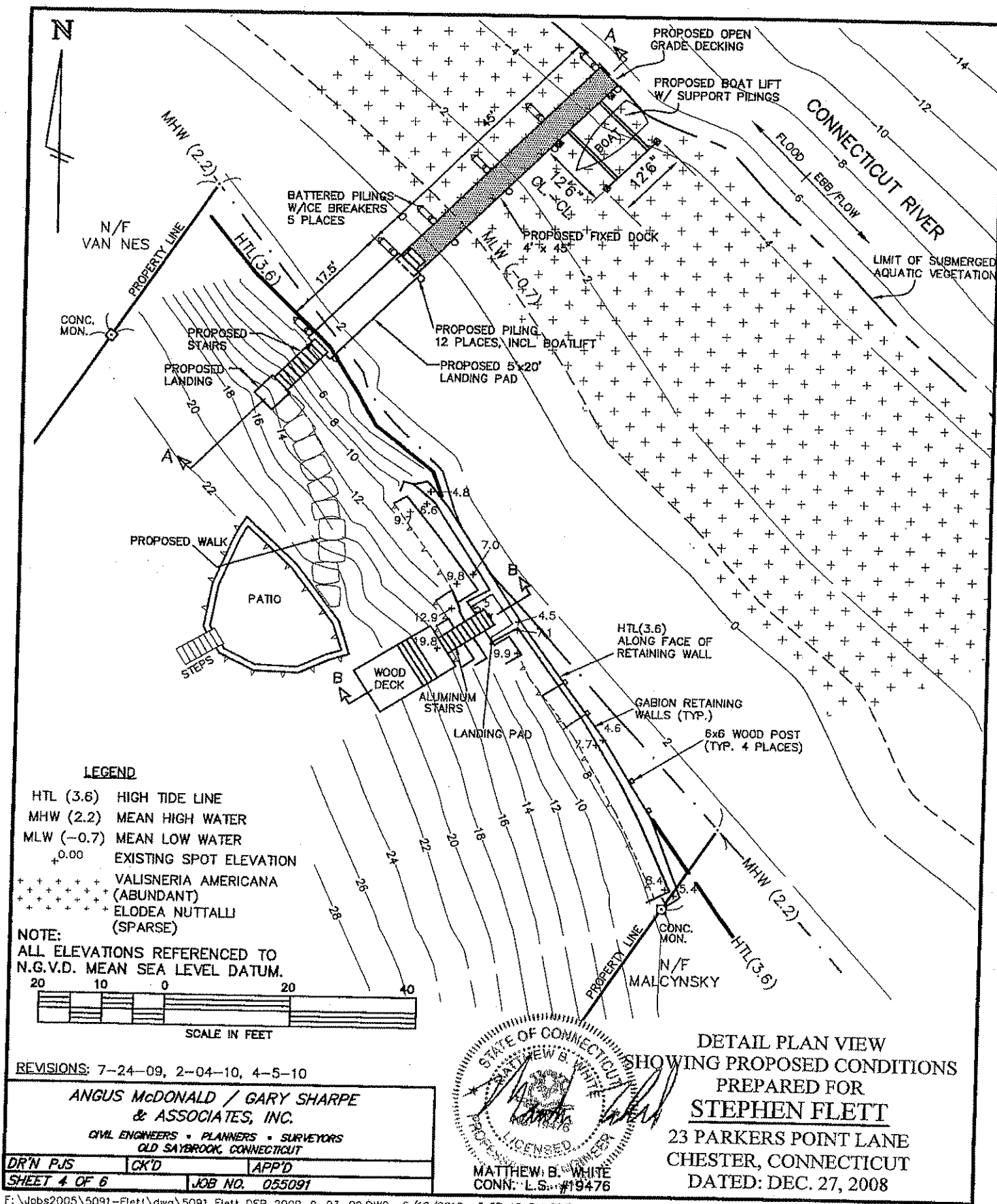
DR'N PJS	CK'D	APP'D
SHEET 2 OF 6		JOB NO. 055091

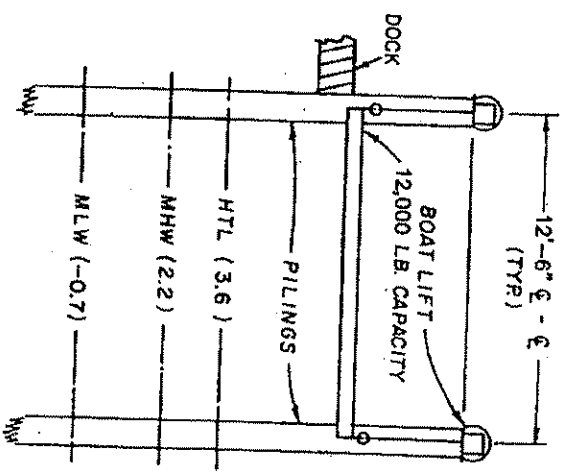
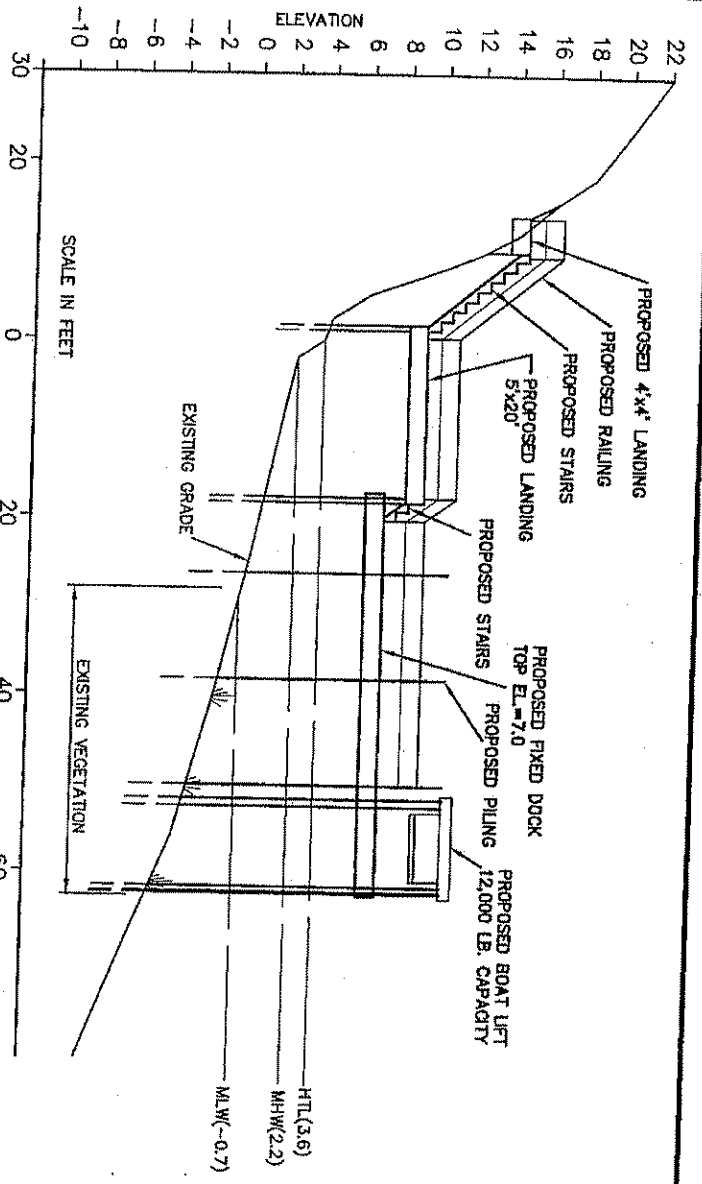


ANGUS L. McDONALD JR.
CONN. L.S. #70173
TO MY KNOWLEDGE AND BELIEF
THIS MAP IS SUBSTANTIALLY
CORRECT AS NOTED HEREON.

AREA PLAN
PREPARED FOR
STEPHEN FLETT
23 PARKERS POINT LANE
CHESTER, CONNECTICUT
DATED: DEC. 27, 2008

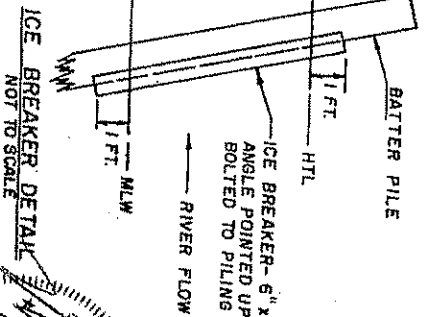
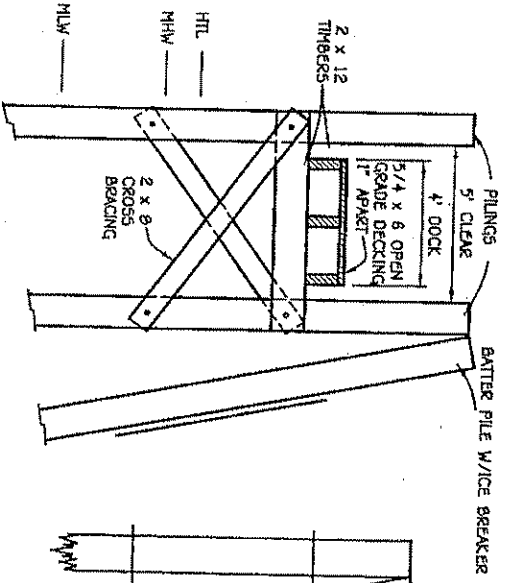






CROSS-SECTION A-A

BOAT LIFT DETAIL
NOT TO SCALE



REVISIONS: 7-24-09, 2-04-10

ANGUS McDONALD / GARY SHARPE
& ASSOCIATES, INC.

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OLD SAYBROOK, CONNECTICUT

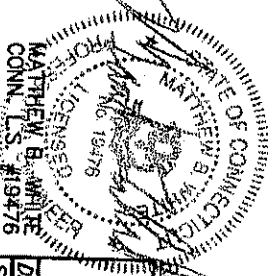
DETAIL PLAN
PREPARED FOR
STEPHEN FLETT
23 PARKERS POINT LANE
CHESTER, CONNECTICUT
DATED: DEC. 27, 2008

NOTE:
ALL ELEVATIONS REFERENCED TO
N.G.V.D. MEAN SEA LEVEL DATUM.

LEGEND

HTL (3.6) HIGH TIDE LINE
MHW (2.2) MEAN HIGH WATER
MLW (-0.7) MEAN LOW WATER

FIXED DOCK DETAIL
NOT TO SCALE



DRN PLS	CRD	APPD
SHEET 5 OF 6	JOB NO. 056091	



NOB NO, 055091